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Crown Quadrangle • 559 Nathan Abbott Way • Stanford, CA 94305-8610
Tel: 650/723-5674 • Fax: 650/723-4426 • Web: cyberlaw.stanford.edu

October 18, 2004

The Honorable Maxine Chesney
United States District Court
for the Northern District of California
450 Golden Gate Avenue
San Francisco, California 94012

Re: ***Kahle, et al. v. Ashcroft***
04-CV-1127 MMC

Dear Judge Chesney:

We are writing on behalf of Plaintiffs in *Kahle v. Ashcroft*, 04-CV-1127 MMC, to bring to Your Honor's attention a relevant case decided subsequent to the filing of Plaintiffs' brief opposing the government's motion to dismiss the amended complaint. The parties are scheduled to present oral arguments on the government's motion on Friday, October 29, 2004, and we wish to ensure that the Court is provided with all relevant judicial precedent in advance of those arguments.

Toward that end, we submit to Your Honor a copy of the opinion in ***United States v. Martignon*, 03 Cr. 1287 (HB)**, which was handed down on September 24, 2004 by Judge Harold Baer, Jr. of the United States District Court for the Southern District of New York. I have attached the opinion to the "Chambers" copy of this letter. I have also forwarded a copy of the opinion to the government's counsel.

We look forward to presenting our arguments on October 29th. Thank you for your kind attention to this matter.

Yours very truly,

Christopher Sprigman
Counsel to Plaintiffs Brewster Kahle,
Internet Archive, Richard Prelinger, and
Prelinger Associates, Inc.

Enclosure

Dockets.Justia.com